

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Robert Howard Gratton

Case: 2:21-mj-30152
Judge: Unassigned,
Filed: 03-29-2021 At 04:52 PM
Case No. IN RE: SEALED MATTER(MLW)
(CMP)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 21, 2021 in the county of Sanilac in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
18 USC § 2252A(a)(5)

Offense Description
Possession of child pornography

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: March 29, 2021

City and state: Detroit, Michigan


Complainant's signature

Evan Zapolski, Task Force Officer (FBI)
Printed name and title


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMPLAINT
AND ARREST WARRANT**

I, Evan Zapolski, being duly sworn, state:

1. I am employed as a Detective Trooper (D/Tpr.) with the Michigan State Police and a Task Force Officer (TFO) of the Federal Bureau of Investigation (FBI), and have been so employed since May 2013. I have been assigned to the Michigan State Police Internet Crimes Against Children Taskforce since February 2017, and have been a Task Force Officer with the FBI's Northeast Michigan Trafficking & Exploitation Crimes Taskforce since March 2019. I have received training in the area of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with several investigations regarding child pornography and the exploitation of children through the internet.

2. This affidavit is submitted in support of a complaint and arrest warrant for Robert Howard Gratton. It is my opinion there exists probable cause to believe Gratton has violated Title 18 U.S.C. § 2252A(a)(5) (Possession of Child Pornography). This affidavit is intended to show only sufficient probable cause for the requested order and does not set forth all of my knowledge about this matter. In addition, the information contained in this affidavit is based on personal knowledge,

training and experience, and on information made available to me by other law enforcement officers.

3. On February 21, 2021, the Sanilac County Sheriff's Office began investigating the sexual assault of a minor. The suspect in their investigation is Robert Howard Gratton.

4. Gratton is on the Michigan Sex Offender Registry for a 2013 conviction of Child Sexually Abusive Material – Possession in the 31st Circuit Court of Michigan and a 2014 conviction of Child Sexually Abusive Material – Possession and Using a Computer to Commit a Crime in the 16th Circuit Court of Michigan.

5. During the sexual assault investigation, Gratton's LG cellular telephone was seized from his person by the Sanilac County Sheriff's Office at the Sanilac County Sheriff's Office in the Eastern District of Michigan. The 73A District Court of Michigan authorized a search warrant for the cell phone.

6. I searched the cellular telephone and located 49 images of child pornography. Two of the images are described as follows:

Image 1: This image depicts a close-up view of a nude prepubescent vagina. An erect penis is observed anally penetrating the child. The child appears to be laying on a blue towel.

Image 2: This image depicts a close-up view of a nude prepubescent vagina. An erect penis is observed anally penetrating the child. The child appears to be laying on a red blanket. A date and time

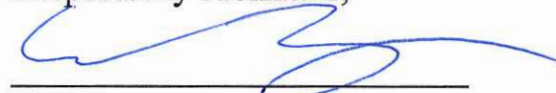
is observed in the bottom right corner of the image and it is displayed as 11.19.2004 20:26.

Both of these images are cache files that were created on the LG cellular telephone on February 21, 2021.

7. A "cache" file is an image file that is generated by the electronic device in order for the device to retrieve the image file quicker when the user wishes to view that image again. A "cache" file is generated for images that are accessed by the device, such as devices on websites, or images that have been saved to the device, such as in an application or the devices media library.

8. Based upon the foregoing information, it is my opinion that probable cause exists that Gratton has violated Title 18 U.S.C. § 2252A(a)(5) (Possession of Child Pornography) in the Eastern District of Michigan. Accordingly, I ask the court to issue a criminal complaint and arrest warrant for Robert Howard Gratton.

Respectfully submitted,



Evan Zapolski, Task Force Officer
Federal Bureau of Investigation

Sworn to before me and signed in my
presence and/or by reliable electronic means.



HON. ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Date: March 29, 2021